

1893-030 Chancery Causes: Daniel Hall vs. Heirs of John B. Burk
Lee Co.

Schoolcraft, Daugherty, Graham, Cox, Woliver

1 Plat

CA Estate Dispute
T-Property

-Deed

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia:

The Bill of Complaint of Daniel Hall of Said
County humbly complaining respectfully represents
to your honor that he is the owner by purchase
of one undivided Share in a tract of land lying
and being in Lee County Virginia about four or
five miles east of Jonesville containing about 45
acres be the same more or less and bounded as
follows to wit: Beginning at a whiteoak and
dogwood near an old well thence S 42 E 74 poles to
a stake on Poteets line thence S. 88 E. 88 poles to a
red oak thence N 45 W 139 poles to a Double Dogwood
and double Sourwood and Post oak thence S 45 W 5
to the beginning. Your Orator will here state that
this tract of land was once owned by one James
Burk but he had no deed for it but having bought
it and paid for it and was equitably entitled to
to the conveyance. But before the said conveyance was
made to him he departed this life leaving a widow
Nancy Burk and a minor heir John B. Burk and after
his death George W. Garrett in whom the legal title was
then vested conveyed the same to the widow and
minor heir according to their rights in the same
that is the widow to have the right of Dower only
in said land and the minor to have the entire tract
subject to the widows Dower as the land came by
the husband and father. Some time after the Deed
was executed the said James B. Burk being still a
minor and unmarried departed this life also and
the title to said land became by the course of De-
seints vested in his fathers Brothers and Sisters &
their descendants who as far as can be ascertained

as follows to wit: Thomas Burk William Burk
Polly ^{Burk} who ~~afterwards~~ married Overton Schoolcraft
Rachel ^{Burk} who married Nicholas Daugherty & Eliza Burk
who are each entitled to one undivided sixth part of said land
~~Martha~~ Henry Burk who is dead leaving a widow
and unknown heirs who are entitled to their one sixth part which widow
and heirs whose names are unknown and the said
John B. Burk deed had other unknown relatives to whom the land in part
Nancy Burk widow of James Burk deceased after-
wards conveyed her dower interest which had never
been assigned to her to John Graham and Jefferson
P. Cox who took possession of it and held the entire
tract Under said deed and they afterwards sold it to
one Samuel P. Graham who has now the possession
of the entire tract. Your Orator further alleges
that the said Eliza Burk sold and conveyed her
undivided interest in said tract of land to one
said Miller and he sold and conveyed the
same to your Orator so that your Orator has the
legal title to the one undivided sixth part of
the tract of land subject to the dower as a-
foresaid. Your Orator alleges that the said John
Graham Jefferson P. Cox and ~~Samuel~~ Samuel P. Graham
have had the entire control and possession of the
said tract of land for a number of years and
have used and occupied the same to the exclusion
of all other parties when in fact they only owned
the widow Nancy's dower therein and hence your
orator charges that they or such of them as
held and used said land are bound to your
Orator and the balance of the owners of the
same for two thirds of the rents and profits
of said land from the time they came into
the possession of the same with interest thereon
and damages for waste deterioration &c. for
all injuries they have committed to said land.

and your Orator for the benefit of himself and
the other parties interested hereby claims the same.
Your Orators object ~~if~~ ^{by} this bill is have partition
made of the land in the bill mentioned amongst
the parties thereto according to their respective rights
and interests in the same ^{and dower assigned to the proper party now making the same} and to have a sale of the
shares that cannot be conveniently partitioned as
your Orator is of opinion that it would suit the
the absent and nonresident parties best to have
their interests sold and the proceeds after paying
the costs divided amongst them and to have an
account of the rents and profits waste damages
deterioration &c. taken so as to ascertain how much
and who are liable therefor and to compel
the parties so found liable to account for
same according to equity and justice.

Your Orator being without an adequate remedy
at law and only relievable in a Court of Chancery
his prayer therefore is that the said Thomas Burk
William Burk Overton Schoolcraft and Polly School-
craft his wife, Nicholas Daugherty and Rachel
Daugherty his wife and the unknown heirs of
Rachel Daugherty Hannah Burk and the un-
known heirs of Henry Burk deceased John
Burk Elizabeth Burk and the unknown heirs
of ~~Martha~~ ^{James} Burk deceased and the unknown heirs
of John B. Burk deed and Nancy Burk John Graham
Jefferson P. Cox and Samuel P. Graham be all
made parties defendant to this bill and that they
all be summoned and required to answer the
same upon their oaths and that an order of publi-
cation be made as to the Defendants who are
nonresidents and that a guardian ad l.

Be appointed to appear Answer and defend for
 the infant Defendants if any such are ascertained
 And that upon a final hearing of this Cause the
 Court will decree a partition and assignment of Dower
 partition of part and Sale of part as may seem
 best and that an account be ordered as to the
 rents profits damages &c. And such other further
 and general relief be extended to your Petitor
 as may be Consistent with equity and justice
 And best Suited to his Case. May the Cometh
 writ of Spa issue directed &c. David Miller
 For Complet.

David Hall

Bill in Chy.

John B. Burck's heirs

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To the Honorable H. S. H. Morrison Judge
of the Circuit Court for Lee County Virginia

Your petitioner Samuel P. Graham
would respectfully represent and show
to your honor, that there is and has been
pending in your honor's Court ever since
May 1874, a suit in chancery, instituted by
Daniel Hall, plaintiff vs John B Burles
heirs et al; the object of which said suit
was to ^{partition} the lands in the bill mentioned and fully
described among said heirs and the parties
entitled thereto, or if this be impracticable
to sell said lands and divide the proceeds
thereof among the parties entitled there
to. Reference is here made to said bill
for a full and particular description of
said lands and the interests of the parties
therein.

Your petitioner will now show your honor
that he was made a party to said suit,
and filed his answer therein setting up
his right as purchaser of the widows dower
in said tract of land, and also as an
owner in fee, by purchase of the interest
of one of the heirs. By an inspection of
said answer these facts will be seen
and also that he was the owner of the
debts due from the ^{said} decedent.

Your petitioner will further show your
honor, that by a decree entered in said
suit on the 1st Day of September 1874, *

1 Henry J. Morgan was appointed a Special
2 Commissioner for the purpose of ascertain-
3 ing ~~the~~ fact, whether it would best
4 promote the interest of the parties to
5 partition or sell said lands.

6 Pursuant to said decree said Commis-
7 sioner performed the duties required
8 of him and filed a report of the same
9 on the 13th day of November 1874,
10 and from an inspection of said report
11 it will be seen that said Commissioner
12 reported that it would best promote
13 the interest of said parties to sell said
14 lands, and he also ascertained the
15 fact that your petitioner was the
16 owner of the lower interest of the wid-
17 ow Nancy Burk in said lands, and
18 also the owner of two undivided
19 shares in the same, as he purchased
20 another interest after the filing of his
21 said answer.

22 Your petitioner will further show your
23 honor that by a decree entered in said
24 suit on 1st day of December 1874,
25 said Commissioner Morgan's report
26 was confirmed, and David Miller
27 was appointed a special Commissioner
28 for the purpose and was directed to sell
29 said land in the bill mentioned at public
30 outcry at the front door of the land
31 house after ^{duly} advertising etc, requiring

Costs of Suit & Commissions of sale to be
paid in hand, and the residue payable
in one, two and three years, taking bonds
with good security, for the same, with
interest from date. Pursuant to said
decree said Commissioner after adver-
tising as aforesaid, made said sale
of said land on the 18th day of January
1875, in the manner ~~prescribed~~ ^{directed} by said
decree, and at said sale, your petitioner
became the purchaser of said entire tract
of land at the price of \$160⁰⁰, that
out of said sum he paid said Commissioner
the sum of \$50⁰⁰ for hand for cost & Commis-
sion of sale, & took bonds for the residue
as directed by said decree, see report-
of said Commissioner, which was filed
August 4th 1875, & receipts here filed marked A & B.
Your petitioner will further show your
honor that by a decree entered in
said Cause ^{on the 1st day of December 1879} said report of said was con-
firmed, and it was suggested ^{by said decree} that your peti-
tioner the said purchaser was ^{the owner} entitled of the proceeds
of the sale of said land, it was ordered
that David Miller as Commissioner ascertain
who is entitled to said proceeds, Thus the matter
has stood up to the present time so far as the
records in said Cause disclose.
Your petitioner will now show your honor that
said Commissioner David Miller proceeded to
ascertain who was entitled to said proceeds, and

for Land & Payments.

1 during his investigation one Dr Wm P. Miller
2 presented a claim as doctor's bill and nurses
3 bill against said decedent, for \$162⁰⁰, which
4 your petitioner paid in full, under the direction
5 of said Commissioner Miller. Said payment
6 was to have been reported by Commissioner Miller
7 to said Court for confirmation which was
8 a settlement of the ~~papered~~ purchase money
9 for said land, and as it that a decree be made
10 to your petitioner for said land.

11 Your Commissioner will further show your honor
12 that the said David Miller was the attorney
13 who prosecuted said suit and Commissioner
14 who made said sale, but before the above
15 arrangement and adjustment was reported
16 to Court for confirmation, said David
17 Miller died, leaving said suit in its pres-
18 ent status.

19 Your petitioner therefore prays, that if necessary
20 he may be allowed to show by proof that
21 the purchase money has been fully paid
22 as above stated, and that the Court may
23 appoint a Commissioner to make him
24 a deed for said tract of land, and
25 prays for all further and general
26 relief as may be just and suitable
27 to his case. And he will ever pray etc.

28 J. H. Swasey
29 for petitioner.

30 Sworn to before me by S. P. Graham on due
31 form, April 2^d 1891. J. A. G. Hyatt

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County:

The Seperate Answer of Samuel P. Graham
to the bill filed in this ^{Court} against himself and
others respectfully represents that he ~~is~~ ^{admits}
the plaintiffs right to one share in said land
and his right to a partition and sale of
the tract, Respondent also claims that he is
the owner of the Dower in said tract by pur-
chase and is also the owner of one share in
said tract and also the owner of all the debts
due from the Decedents John B. Burks estate
and he further states that partition of the tract
of land in the bill mentioned cannot be conve-
niently made on account of the smallness
of the shares into which the tract would have
to be divided and he further states that all
the Defendants except himself and those from
whom he derived his interests in said land
are nonresidents and have no use for the
land and that a sale of the land will be
necessary to pay the Decedents debts and hence
he alleges that the said tract of land should
be sold instead of partitioned Subject how-
ever to his dower in said land and the pro-
ceeds of the sale after the payment of the
decedents debts distributed to the owners of
the land in proportion to their interest in
the same. And having answered he prays
to be dismissed with his costs

David Miller for
Sgt. S. P. Graham.

Daniel Hall
vs. } answer of
 } Samuel B. Graham
John B. Burks
 heirs & others

Daniel Hall Deft
vs
John B. Burdicks et al Defts. } In Chancery.

This cause came on again this day to be again heard upon the papers formerly read in the cause, and the report of A. M. Gains, special Commissioner filed therein on the 11th day of November 1893, to which there are no exceptions, and was argued by counsel.

And it appearing to the court from said Commissioner's report, that said Commissioner, pursuant to the terms of a decree entered in said cause, on the 5th day of December 1891, has executed and acknowledged a deed conveying the land in the bill and proceedings mentioned to S. P. Graham the purchaser at said sale, and has filed the same with said report, and that there are no exceptions to said deed. It is therefore adjudged, ordered and decreed that said report of said Commissioner A. M. Gains, and said deed be and the same are each hereby confirmed.

It is ordered that the Clerk of this Court deliver said deed to said S. P. Graham, and that the said Graham pay to the said A. M.

David Hall

vs. Reese

Adm'r.

John B. Burdette

Entered Ch. O.B. 548-

Nov 17th 1893.

Enter Theo.

Nov, 17th 1893.

H. J. K. M.

Gains, five dollars for executing
said deed, and there being
nothing further to do in this
Cause, the same is stricken
from the docket.

Daniel Hall Plff.

vs

John B. Burks heirs et al Dfts.

} Luchey

This cause came on this day to be again heard upon the papers formerly read in the cause & the rule heretofore awarded against the personal representatives of Wm P. Miller deceased, returned executed, and was argued by counsel, And it appearing to the Court that the rule heretofore awarded against the parties have been returned executed upon all of them, and ~~no~~ ^{no} cause having been shown ^{by them} against the granting of the prayer of said petition, the said S. P. Graham purchaser at said sale is entitled to a deed for the land purchased by him at said said sale and in the bill and proceedings mentioned. It is therefore adjudged ordered, and decreed that A. M. Goins be and he is hereby appointed a special Commissioner for the purpose, who will make and deliver to S. P. Graham a deed for said land with covenants of special warranty. He will report his actions to the ^{next} term of this Court & the cause is continued.

Donie Hall

vs { Diene.

John B. Burkholder & Co.

Order 1343

January 23rd

Jan 23rd

Enter this -
H. K. M.

Dec. 4th 1891.

Daniel Hall Plff.

vs

John B. Burns & Sons et al. Dftd

} In Chancery

This cause came on again this day to be heard upon the papers formerly read in the cause and the rule awarded at the last term of this Court against the parties therein named, returnable to this term of Court, and was argued by counsel. And it appearing to the Court that said rule has been executed against the resident parties, except the personal representative of Wm. P. Miller deceased, and duly published, in the Lee County Republican ~~as required~~ by law, against said parties whose whereabouts are well known, said proceedings are hereby confirmed, and it is therefore adjudged ordered and decreed that a new rule be awarded against the personal representative of Wm. P. Miller dead, when appointed, returnable to the first day of the next term of this Court, to show cause, if any he can or has why the prayer of the petition of S. P. Graham heretofore filed in said cause should not be granted, and the cause is continued.

Daniel Hall.

to E Deane

John B. Burdick's personal.

Received of Daniel Hall
\$50.00 Sept 11th 1891
for the same

Enter this
H.S.M.

Sept. 4th 1891.

1 Daniel Hall vs. John B. Burks heirs et al. Dfts. } Lu Chay,
2
3
4
5 This cause came on again this day
6 to be heard upon the papers formerly
7 read in the Cause, and the petition
8 of Samuel P. Graham filed therein
9 in open Court by leave thereof, on the
10 2^d day of April 1891. And was argued
11 by Counsel. On Consideration whereof
12 it is adjudged ordered and decreed that
13 a rule be awarded against Thomas
14 Burck, William Burck, Overton Schoolcraft,
15 and Polly Schoolcraft his wife, Nicholas
16 Dougherty and Rachel his wife, Eliza
17 Burck, the widow and unknown heirs
18 of Henry Burck deceased, ~~and the unknown~~
19 ~~relatives~~ of John B. Burck deceased, Daniel
20 Hall, and the personal representatives
21 of Dr William P. Miller deceased, ~~return~~
22 able to the ^{1st day of May} next term of this Court to show
23 cause, if any they can, ^{or show} why the prayer
24 of said petition should not be granted.
25 And it further appearing to the Court that ~~the~~
26 whereabouts of the above ^{named} parties except Daniel
27 Hall & the personal representatives of W.P. Miller
28 deceased, are unknown, it is ordered that they
29 be summoned to appear hear by order of
30 publication duly published in the Lee County
31 Republican for four successive weeks,
and the Cause is continued.

Daniel Hall
vs Deane.

John B. Burdett

Calcutta, India
13th April 1891

Enter this
H. S. M.
April 3rd 1891,

Land's Title Plff

against

John B. Burks & his Heirs

} Indlg.

This Cause came on this day to be heard upon the papers & testimony read and the report of David Miller Comr. who had sold the land in the bill mentioned and was argued by Counsel & said report having been filed for more than ten days before this term and no exceptions being filed thereto the said report is approved and confirmed and it being suggested that the purchaser is the owner of most of the proceeds of the sale it is ordered that said Comr. ascertain who is entitled to the proceeds and to what extent and he will report to this Court and the Cause is continued.

Samuel Hall

vs. } Decree

John B. Burks & Co

Cont. page 75

Jan 11 On. Cl. Ch.

Cont
Jan 11
Dec. 11/79

Cont

Daniel Hall Plff.

vs.
John B. Burks heirs Defts

} Decree for Sale

This Cause came on this day ^{against} to be ^{for the} heard upon the papers formerly read in the Cause & the report of Commissioner H. J. Morgan, and the Depositions therewith, and was argued by Counsel, and it appearing to the Court that Commr. Morgan's report had been filed in the papers of this Cause for more than ten days before this term of the Court, and no exceptions having been filed thereto, on consideration of which it is adjudged ordered and decreed that the Same be and is hereby confirmed; and from said report it appears to the Court, that a ^{partition} ~~sale~~ of the tract of land ~~in~~ the bill mentioned cannot be conveniently made, and that a Sale ^{ought to} ~~may~~ be made of said land; It is therefore further ordered adjudged and decreed that David Miller, who is hereby appointed a Special Commissioner for the purpose is directed to sell the entire tract of land in the bill mentioned at public outcry to the highest bidder on some Court day at the front door of the Court-house after advertising the time place and terms of Sale at the front door of the Court-house and at two or more ^{other} public places in the County for four weeks before the day of Sale. He will require the Costs of this Suit and the expenses of the Sale in Cash and for the residue he will take Bonds with good Security payable in one two and

three years with interest from date and
 he will report his action to the next term
 of the Court.

Daniel, three

or, } Decrees.

John B. Bunker's

Excluded order Book page
 418.

James M. M. Clerk

Excluded this

Book.

Dec 1779

Daniel Hall Plaintiff

against

John B. Burks heirs & others Defts

Decree in Chy

On motion of Defendant Samuel P. Graham leave was given him to file his answer and the same was accordingly filed and thereupon this cause came on this day to be ~~heard~~ heard upon the Complainants Bill and the exhibits therewith and the answer of Defendant Samuel P. Graham just filed and was argued by Counsel and it appearing to the Court that the resident Defendants Jefferson P. Cox John Graham and Samuel Graham & Thomas Burk were duly served with process which was returned to the Clerk duly executed more than two months before this term of the Court and that an order of publication was duly made posted and published against the nonresident Defendants Overton Schoolcraft and Polly his wife Nicholas Daugherty and Rachel his wife the unknown heirs of Rachel Daugherty, Elizabeth Burk and the unknown heirs of John B. Burk deceased and that the time required by law had elapsed since the completion of said order and all the said Defendants except the said Samuel P. Graham having still failed to appear and answer the Complainants bill the same is taken for confessed against all the Defendants except the said Samuel P. Graham, On Consideration of all which the Court is of the opinion that the said tract of land is liable to partition or Sale whichever is best for the interest of

the parties and to ascertain the facts Henry
 J. Morgan a Commissioner of this Court is hereby
^{directed} to enquire and ascertain by legitimate evidence
 whether or not partition of the tract of land
 in the bill mentioned Can be Conveniently made
 and whether or not the entire tract Can be allotted
 to any party who will accept it and pay therefor
 to the other parties Such sums of money as their
 interests therein may entitle them to And whether
 or not the interests of the parties will be pro-
 moted by a Sale of the entire tract or an al-
 lotment of a part and Sale of the residue &
~~or any~~ any other matters deemed pertinent by
 him and he will report his action to the
 next term of the Court and the Cause is Con-
 tinued till the next Term.

David Hall

251 Decree

John W. Burks heirs
 & others

Entered Order Book

page 383,

James W. Dr. Clerk.

Entered
 1883
 Dec 17/4

Commissioners Office Jonesville Va Sept 11 1874
Samuel Hall

Per

In Lohy

vs
John B. Bucko Secutor Defts

The deposition of John Prince and Jefferson P. Cox,
taken in this cause at the time of making certain
inquiries as herein directed by a decree in the cause
And the said Prince being duly sworn deposes and says

I am well acquainted with the tract of land in this
cause referred to, - being as I do upon adjoining lands

The tract contains about 43 acres and lies in a somewhat
long narrow strip, and as there are quite a number of
heirs interested therein, I am of opinion that the interest of
all concerned would be promoted by a sale of the entire
tract and the proceeds divided among the parties in pro-
portion to their rights for were it partitioned, the lots
would be so small that it would cost too much to be then
in repair to be profitable to the owner, and would be
so small as not to be desirable to purchasers according to
my view of the matter.

I am of opinion that said tract is worth about \$5.00 per
acre, or \$215.00 for the whole, I know if no one else is willing
to take the whole and to account to the others for their interest
at the price fixed by me or at any other price, and favor
this witness says not

his
John H. Oliver

The said Jefferson P. Cox being likewise ^{made} duly sworn deposes and says

I am well acquainted with the land mentioned in the foregoing
and am clearly of opinion that the interest of all

parties interested therein could be promoted, by a sale thereof
in a body, for even if divided, the shares would be so small
as not to be desirable to purchasers and so costly to be kept in
specie and it would not be profitable to the parties

The entire tract, I think is worth about \$220.00 but I do not know
of any one who would take it at that price nor do I know
of any one who would take one half, or one fourth thereof at
that price, and the other half to be sold or divided. And further
this being said note.

J. P. C.

Virginia Lee County, Texas

The foregoing depositions of John Maliver and Jefferson
P. Cox, was taken by me on the 11th day of Sept 1874 and
Subscribed to by them respectively & the same subscribed by me.

Henry J. Morgan

Daniel Hull

10. {Depositions

John B. Bucks House

(A)

Commissaries Office Jonesville V. Sept 11 1874.
Derrick Hull Piff

20
The heirs of John B. Burk & others Defts

To the Hon. J. A. Kelley Judge of the circuit court of Lee Co.

In order to enable me to respond to a decree entered in this cause on the 1st day of September 1874, I caused to come before me as witnesses John Holman and Jefferson P. Cox whose statements on the premises I reduced to writing, and file herewith the same marked (A) And from the statements of these two witnesses it is manifest that the interests of all parties would be promoted by a sale of the entire tract.

The tract consists of about 40. or 43 acres, and is said to be quite fertile and unimproved, and upon it there is a house, during the life of Henry Burk, which is now owned by the defendant Samuel P. Graham, who is likewise the owner of two undivided interests therein.

The entire tract as a whole is thought to be worth about \$15.00 or \$220.00 and should it bring that sum the worth of the house will then have to be ascertained and deducted, and the residue divided into 6 shares.

Should it be determined to partition the tract, the first step will be to lay off and assign dower to S. P. Graham & that being done, will leave perhaps 26 or 28 acres to be partitioned at present, & the same being subdivided into 6 parcels will give to each something more than 4 and less than 5 acres each, which would be almost worthless, and the money it would bring would it seem to me be more valuable.

The tract lies in a long narrow strip and so far as
I know no one desires to have it at any given price
or any particular part at a given price

Respectfully Submitted

Henry M. Morgan

Don't Hall

or { known as Reporter

The Heirs of John B. Burkhead

Filed for prob. N.Y.

James H. Burkhead

Commissions for prob.

To the Honorable John H. Kelly Judge of the
Circuit Court of Lee County:

Pursuant to a decree of the Circuit Court
of Lee County made and entered in the Cause
in Chancery pending in said Court of Daniel
Hall against John B. Burks heirs & others I proceed-
ed on the 18th day of January 1875 at the
front door of Lee Courthouse that being Court
day (after advertising the time place and terms
of Sale as required by said decree) to Sell at
public auction to the highest Bidder ~~the~~
the tract of land in the bill mentioned and
decreed to be sold and the Defendant
Samuel P. Graham being the highest bid-
der bid the same off at the price of
\$160.00 of which he paid me the
Costs and expenses of Sale in Cash
amounting to \$50.00 and for the residue
he executed bonds with good Security
bearing interest from date and due
in one two and three years from
date. all of which is respectfully sub-
mitted &c.

David Miller
Commr.

Daniel Hall Off

as. } Comrs. Report
of Sale.

John B. Burks heirs

Sales Aug 4th 1875
James M. Condit

Daniel Hall

vs.

John B. Burk's heirs & al.

} In Chancery.

To the Hon. H. S. K. Morrison, Judge
of the Circuit Court for Lee County, Va.

The undersigned Special Commis-
sioner begs leave to report, that, in pur-
suance of a decree entered in the
above styled cause on the 5th day
of Dec., 1891, appointing him a Spe-
cial Commis. for the purpose of making
and executing to the purchaser of the
land in the bill and proceedings
mentioned in this cause a deed
with covenants of Special warranty,
he has complied with the order
of the court and has made said
deed as directed by said order, and
the same is filed herewith marked
"D".

All of which is respectfully
submitted, this Nov. 11th 1893.

A. M. Gorins,
Special Commis.

Daniel Hall

vs. ^{Comer's Report}
of Deeds.

John B. Burk's heirs
+ al.

Filed Nov 11, 1893,

J. Alsdatt D.C.

Received of Samuel P. Graham Thirty five
Dollars as part of the Costs received in Cash
of him as purchaser of the Land I sold
him as Commr. under a decree of the Cir-
cuit Court of Lee County in the Cause in
Chancery of Daniel Hall vs. John B. Burks
Heirs & others, which leaves Fifteen dollars
of the Costs up to Nov. 1874 still unpaid
his April 14th 1875. David Miller
Commissioner

David Miller Comr.

To } Receipt

Samuel P. Graham

"A"

10/10/10

London 7, 1885.

Wm. L. Orin

"B"

Samuel P. Graham

To } Bond \$15.00

David Miller Comm.

Gives April 14th 1875.

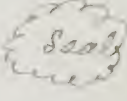
This Deed made the 28th day of February 1873
between Eliza Burk of the one part and David
Miller of the other part both of Lee County Virginia
Witnesseth that for and in consideration of the sum
of fifteen Dollars the said Eliza Burk has granted
conveyed and sold and does hereby convey to the said
David Miller all her right title and interest in and
to a certain tract or parcel of land lying and be-
ing in Lee County Virginia containing 45 acres be the same
more or less adjoining the tract of land on which John
Graham now lives and bounded as follows to wit:

Beginning at a white oak and dogwood near an
old mill thence S 42 E 74 poles to a stake on Potomac
line thence S 88 E 88 poles to a red oak thence N 45 W
137 poles to a Double Dogwood and Double Sumac
and post oak thence S 45 W 80 poles to the beginning
together with all the appurtenances belonging to said
land it being the same tract or parcel of land owned
by James Burk deceased at his death and out of which
his widow Nancy Burk was entitled to dower and which
tract of land descended to John B. Burk son and
heir of said James Burk deceased Subject to dower
as aforesaid and which tract of land was conveyed
to said Nancy Burk widow of James Burk deceased
and the said John B. Burk heir at law of James Burk
deceased the said widow of James Burk for her dower
interest in the same by George W. Garrett by Deed bear-
ing date Feb. 22nd 1857 and admitted to record Feb-
ruary 22nd 1857 and the said John B. Burk having
departed this life before he became twenty one years
old without issue and unmarried The said tract of
land having been derived by descent from his father James
Burk decd. passed to his father's kindred and the said

Eliza Burk being a ~~daughter~~^{Sister} of the Said James Burk deceased is entitled to a Share in Said Land as such Subject however to the Lower interest of Nancy Burk the widow of James Burk dead which interest or Share only she hereby conveys to David Miller and she hereby binds herself to warrant generally the Share and interest in Said tract of land to Said David Miller against the Claims of all persons whatever

Witness the following Signature and Seal

Two Witnesses

Eliza ^{her} Burk ^{mark} 

Test ~~Wm~~ Thompson
Hest W B Corbett

The County Court Clerk Office the 14th day of May 1873.
The foregoing deed from Eliza Burk of the one part to David Miller of the other part was this day presented before me the Clerk of said County, one of the subscribing witnesses thereto to be the act of the said Eliza Burk for disposing of her own interest in said land and having been examined and found to be the act of said Eliza Burk by the oath of H. B. Corbett the other subscribing witness thereto on the 14th day of May 1873 the same is admitted to record.

Attest James H. Cox. Clerk

Eliza Burk

To Good.

David Miller

N. G. March 22th 1873

This Deed made this 22nd day of February 1869 between
George W. Garrott, and Sallie his wife of the first part,
and Nancy Burk, widow of James Burk for deceased, and
John B. Burk heir at law of said James Burk for deceased of the 2^d
part, all of Lee County, State of Virginia, Witnesseth, that for
and in consideration of the sum of \$45.00 to them in hand paid,
by the said James Burk for deceased, in his lifetime, the receipt whereof
they hereby acknowledge, have bargained, sold, and delivered, and by these
presents do grant, bargain, sell, and deliver, to the said Nancy Burk widow
of James Burk for deceased and the said John B. Burk heir at law of
said James Burk for deceased, the said widow of said James Burk for deceased,
for her dower interest in the same, a certain tract or parcel of land lying
and being in Lee County Virginia on the river hill, three or four miles east
Jonesville, containing forty five acres more or less, and bounded as follow-
ers. Beginning, at a white oak and dogwood, near an old well, thence
S 55° E 174 poles to a stake on Poteto line a corner to James Burk Sen-
ior land thence running with his line S 38° E 88 poles to a red oak, thence
N 45° W 187 poles to a double dogwood, double sourwood and post oak,
thence N 45° W 50 poles to the Beginning. To have and to hold the said
tract or parcel of land, to the said Nancy Burk widow as aforesaid
for her dower, interest in the same, and the said John B. Burk heir
as aforesaid and his heirs forever. And the said George W. Garrott and
wife do hereby covenant to warrant generally the title to said tract
or parcel of land. In witness whereof the said George W. Garrott,
and Sallie his wife have hereunto subscribed their names, and
affixed their seals, the day and year aforesaid.

George W. Garrott Seal

Lee County Court clerk's office the 22nd day of February 1857.
This Indenture of bargain and sale for land between George W.
Garrott and Callie his wife of the one part, and Nancy Burk
widow of James Burk for decd and John B. Burk heir at law
of the said James Burk decd deceased of the other part, was solemnly
acknowledged before me by the said George W. Garrott, and admitted
to Record, as to him.

Teste H. J. Morgan C. C.

Geoff Teste John B. Gibson D. C.

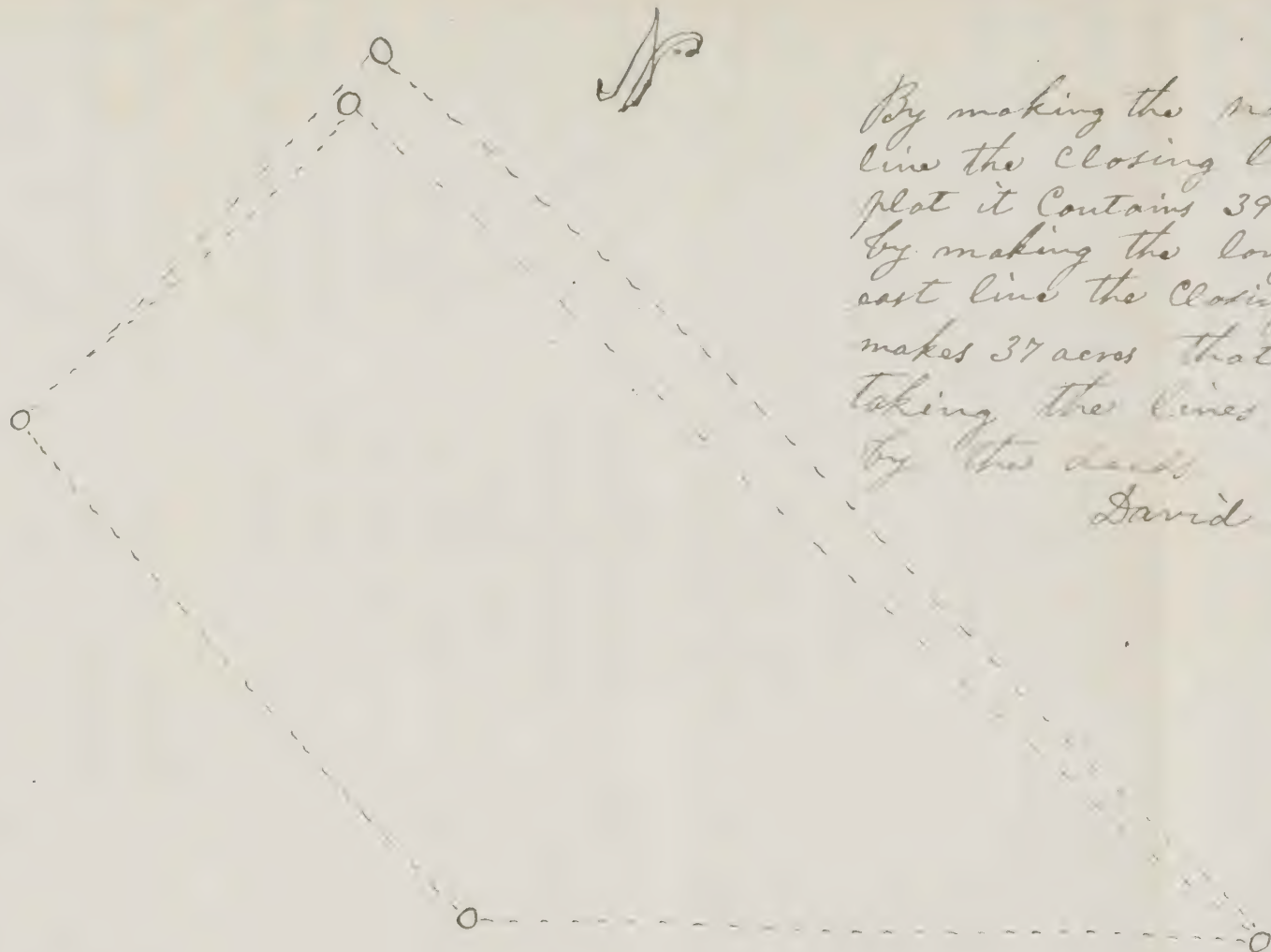
Nancy Burk et al

Given in Copy of Deed

George W. Garrott

C

Wm. C. C.



By making the north west
line the closing line of this
plot it contains $39\frac{1}{4}$ acres but
by making the long north
east line the closing line it
makes 37 acres that is by
taking the lines as given
by the deeds.

David Miller.

E.
C.

Samuel Hall

W. 3/4 Flat

John B. Burks
Heir & others

Verfügen

A. C. Hall

John P. Smith

Sept 13, 1892

For
Mr. D. Miller's
personal representative

Virginia

But a Circuit Court continued
will go for the County on
the 2^d of April 1891.

Remond M. H.

1891

John L. Henderson et al vs

The Court being on record
this day to be heard upon
the papers & arguments the same
will be taken up for Council
& given for them in open Court
by the Court on the 2^d day of
April 1891, and was argued
up & carried. On consideration
thereof it is duly adjudged, ordered
and decreed that a rule be
granted against Henderson & all
the personal representatives of Dr.
H. H. Henderson & it is ordered that
on the 2^d day of April 1891
the Court be shown cause
why they have so done
& if the papers of said petition
should not be granted.

W. C. C.

John L. Henderson et al

Daniel Hall
no 3 Dale
2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th
1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

Executed July the 23. 1881
by delivering an official
copy to Daniel Hall
this July the 24. 1881
C. E. Flanagan. S. L. C.

Free for copies from

Virginia,

At a Circuit Court Continued and
held for Lee County at the court
house thereof September 4. 1891.

Daniel Hall

Deft

vs

J. B. Burkes heirs

Defts

} In Chancery

#

And it is there
fore adjudged ordered and decreed
that a new rule be awarded against
the personal representative of W. G.
Miller decd when appointed return
able to the first day of the next
term of this court, to show cause if
any he can or has why the prayer
of the Petition of S. P. Graham, hereto
fore filed in said cause should not
be granted and the cause is contin
ued.

Attest

Lester J. H. G. Hyatt Clerk

Daniel Hall
as ^{un} Copy of Rate

J. B. Barker Secy

From

Personal Representation
of Dr. W. P. Miller

Virginia

At a Circuit Court continued
and held for Lee County at the court
house thereof September 4th 1891.

Daniel Hall

Def

In Chancery

vs
J. B. Burke's heirs

Plt

And it is there-
fore adjudged ordered and
decreed that a new rule
be awarded against the personal
representative of Wm P Miller and
when appointed returnable to the
first day of the next term of this
Court to show cause if any
he can or has, why the
prayer of the Petition of
L. P. Eschman, heretofore
filed in said Cause should
not be granted and the Cause
is continued.

Attest

Teste J. H. Hyatt Clerk

1891

The object of this Suit is to have Dower assigned
in a tract of land owned once by John B. Brush
deceased and partition and Sale of the Same &
the land and proceeds partitioned and divided amongst
the parties entitled to the Same and to have an
account taken of the rents and profits waste
damages &c. of the Said land so as to charge
the proper parties with the Same and Compel them
to account for the Same

13,24
 10.96
 3.28
 18,76

1,45
 2.64
 10.16
 10.34
 .51

Charles Hall

vs Bill in Chancery.

John B. Burks & Co. et al.

1874 May Bill filed & order Prob.

Memorandum

Samuel P. Graham bid off the tract this
day at \$160.00 There being no further or
other Bidder. This 1st. day of Jani-
^{Court}uary 1875. David & Miller Commr.

Daniel Hall

Memorandum
of Sale

John B. Burke's

Commissioners Office Jonesville Va. Sept. 10th 1874
Daniel Hall

Deft

vs

John B. Barksheers & others Defts

In Chancery

Notice

Is hereby given the parties to this Suit, that at my office in Jonesville on the 11th day of Sept. 1874 I will proceed to enquire and report whether or not partition of the tract of land in the bill mentioned can be conveniently made among the parties in interest, or whether or not the entire tract can be allotted to any party who will accept it, and pay therefor to the other parties such sums of money as their interests may entitle them to, and whether or not the interests of the parties will be promoted by a sale of the entire tract, or an allotment of a part, and a sale of the residue.

Henry J. Morgan Comr.

Daniel Hall

vs { Notice

Lectures of John B. Burdett

Virginia

At suit as held in the Clerk's Office of the Circuit
Court of Lee County, on Monday the 1st day of May 1874.

Samuel Hall

Plaintiff

against

In Chancery

John W. Bank & Son et al. Defendants

The objects of this suit is to have decree adjudged in a tract of
land owned by the said John W. Bank deceased and partitioned in
Suits of said tract of land and the land and proceeds thereof
partitioned and divided among the parties entitled thereto and to
have an account taken of the rent and profits, waste damages
of the said land so as to charge the proper parties with the
same and compel them to account therefor. And it appearing
from an affidavit filed in the cause that the defendants
Overton Schoolcraft & Polly Schoolcraft his wife, Nicholas Lang-
worthy & Rachel Langworthy his wife, the unknown heirs of Rachel
Langworthy, Elizabeth Bank the unknown heirs of John W. Bank
deceased and of James Bank deceased are non-residents of this
State. They are therefore ordered to appear here within one month
after due publication of this order and do what is necessary to
protect their interests in this suit.

Attest Teste James W. Orr Clerk

I, James W. Orr, Clerk of the Circuit Court of Lee County, do hereby certify that on Monday the first day of the May Term 1874, of Lee
County Court, I posted a copy of this order under at the front door
of the Court house of said County. This day of 1874.
James W. Orr, Clerk.

Daniel Hall

Order Publication

John B. Burks's heirs et al.

Copy mailed to Patriot & Herald
May 4th 1874.

James H. Orr et al.

Daniel Hall

vs.

Affidavit.

John B. Burks Heirs & others

This Day David Miller personally appeared before me the Undersigned Clerk of the Circuit Court of the County of Van and made oath in due form of law that Evanton Schoolcraft and Polly Schoolcraft his wife Nicholas Langharty and Rachel Langharty his wife and the unknown heirs of Rachel Langharty Elisabeth Burck and the unknown heirs of John B. Burck decd and James Burck deceased are nonresidents of this State to the best of his knowledge information and belief. And the affiant further states that he makes this affidavit from information derived ^{mostly} from others he not being acquainted with all the nonresident Defts. But he believes the information to be correct.

Given under my hand this the 4th day of May 1874.

James W. Orr. Clk.

Daniel Hall
for
vs Affidavit of Detention
John B. Barber & Co. et al.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY--GREETING:

WE COMMAND YOU TO SUMMON *Thomas Bush, Mrs Bush, Overton Schoolcraft & Polly Schoolcraft his wife, Nicholas Langworthy, & Rachel Langworthy his wife, the unknown heirs of Rachel Langworthy, Hannah Bush, the unknown heirs of Henry Bush Decd, John Bush, Elizabeth Bush, the unknown heirs of James Bush decd, the unknown heirs of John B Bush decd, Nancy Bush, Samuel & Sarah Jeffers Cox & Samuel Abraham.*

To appear before the Judge of our ~~County~~ Court of Lee County, at the Court House, in the Clerk's Office, at Rules to be holden for said Court, on the first Moday in *June* next, to answer a bill in Chancery, exhibited in our said Court against *them* by *Samuel Hall*

And have then there this writ. Witness, **JAMES W. ORR**, Clerk of our said Court, at the Court House, this *10th* day of *May* 1874 in the 78th year of the Commonwealth.

James W. Orr Clerk.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY.-GREETING:

WE COMMAND YOU TO SUMMON

TO THE SHERIFF OF LEE COUNTY--GREETING:

WE COMMAND YOU TO SUMMON Thomas Bunk, Wm. R. & Quentin Schoolcraft
Felix Schoolcraft & his wife Nicholas Langherty, Michael Langherty
his wife the unknown heirs of Michael Langherty, Edmund Bunk the
unknown heirs of Henry Bunk sons, John & Elizabeth Bunk the
unknown heirs of John Bunk sons the unknown heirs of the late William
Bunk the heirs of John Bunk, George Bunk, Charles Bunk & John Bunk

To appear before the Judge of our County Court of Lee County, at the Court House, in the Clerk's Office, at Rules to be holden for said Court, on the first Moday in June next, to answer a bill in Chancery, exhibited in our said Court against James by James

And have then there this writ. Witness, **JAMES W. ORR**, Clerk of our said Court,
at the Court House, this 10th day of May 1874 in the 17th year of the Common-
wealth.

Clerk.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY.—GREETING:

WE COMMAND YOU TO SUMMON Thomas Smith, Wm. Smith, Brewster Schoolcraft
+ John Schoolcraft his wife Nicholas Langhart + great Langhart Co.
wife, the unknown heirs of Richard Langhart by Ann Smith the unknown
heirs of John Smith dec'd John Smith Elizabeth Smith the unknown
heirs of James Smith dec'd the unknown heirs of John Smith dec'd Henry
Smith John Smith Jackson F. Smith Samuel A. Smith

To appear before the Judge of our County Court of Lee County, at the Court House, in the Clerk's Office, at Rules to be holden for said Court, on the first Moday in _____ next, to answer a bill in Chancery, exhibited in our said Court against _____ by _____

And have then there this writ. Witness, **JAMES W. ORR**, Clerk of our said Court,
at the Court House, this day of 187 in the year of the Common-
wealth.

Clerk.

Sept 10 1882

Virginia

At a Circuit Court continued and held
for Lee County on April 3rd 1891.

Daniel Hall

Plff

Vs

John B. Burk's heirs Defts

Inchan-
cery

Samuel P. Graham this day filed a petition in this cause, the object of which is to have a conveyance made to him of the land sold by court in this cause. And it appearing from a decree entered herein, that the whereabouts of the defendants Thomas Burk, Buerton Schoolcraft and Polly Schoolcraft his wife, Nicholas Daugherty and Rachel his wife, Eliza Burk, the widow and unknown heirs of Henry Burk decd, and the unknown heirs of John Burk decd are unknown. It is ordered that they appear here within 15 days after due publication of this order, and do what may be necessary to protect their interest in this suit and show cause if any they can why the prayer of said petition should not be granted.

A copy—Teste:

B. H. Sewell p. q. J. A. G. Hyatt

19-23

Clerk.

J. H. Hobbs

I, Geo. W. Blankenship, Editor of the LEE COUNTY REPUBLICAN, a weekly newspaper published in the town of Jonesville, and County of Lee, hereby certify that the foregoing Order of Publication was duly published in the above named paper for four successive weeks ending

Aug 11 1891.

J. H. Hobbs Editor LEE Co., REPUBLICAN

Daniel Hall

vs $\frac{3}{3}$ Pub Certificate
John B. Burke's heirs

I certify that I posted
an office copy of
this order at Lee County
Court House on the
first day of July term
County Court 1891.

J. A. Stuyatt C

Printers fee 5¢

Filed Aug. 17/1891.

J. A. Stuyatt C

Virginia. At rules held in the clerk's
office of the circuit court of Lee county,
on Monday the 4th, day of May 1874:—
Daniel Hall.....pltf
against
John B. Burk's heirs et als.....defts
IN CHANCERY

The object of this suit is to have dower
assigned in a tract of land owned by the
said John B. Burk deceased, and partition
and sale of said tract of land, and the land
and proceeds thereof partitioned and divided
among the parties thereto, and to have an
account taken of the rents and profits,
waste, damages &c., of the said land, so as
to charge the proper parties with the same
and compel them to account therefor. And
it appearing from an affidavit filed in the
cause that the defendants Overton School-
craft and Polley Schoolcraft his wife,
Nicholas Daugherty and Rachel Daugherty
his wife, the unknown heirs of Rachel
Daugherty, Elizabeth Burk, the unknown
heirs of John B. Burk deceased and of James
Burk deceased are nonresidents of this
State; they are therefore ordered to appear
here within one month after due publication
of this order and do what is necessary to
protect their interests in this suit.

a copy teste,
may 14-4w. JAMES W. ORR, clerk.

Marine Va Aug. 17, 1874
We hereby certify that the annexed
notice has been published for four
consecutive weeks in the Marine
Patriot & Herald
Venable & Cuddehorn
Printers fees \$5=

Davis Hall
to Petition

John W. Bushnell

Filed April 3 1893
in open court
by leave thereof
J. A. Bennett

I am to make a
Deed in this case
A. M. Gains

1893 Your Term
Decease find